

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 13-17 are in this case. Claims 13-17 have been rejected under § 102(e). Independent claims 13 and 14 have now been amended.

Interview Summary

Reference is made to a telephone interview conducted on March 9, 2007, between Examiner Elizabeth McNeill of the PTO and the Applicant's representative. The interview related to the § 102(e) rejections of independent claims 13 and 14 over the Eicher et al. reference (US 6,132,755). No formal agreement was reached as to the allowability of any claim. An understanding was reached regarding amendments which would overcome the rejections of record, as detailed below.

Specifically, the Applicant questioned how the claim language of independent claims 13 and 14 could be read on Figure 6d of Eicher, as suggested in the Official Action when the word "proximal" required that the cross-section in question is near the substrate and the Eicher reference only has asymmetric geometry to the extent that it uses a conventional beveled tip shape, but not near the substrate.

In reply, the Examiner indicated that the term "proximal" was being interpreted in light of its accepted medical usage, rather than the colloquial usage of "adjacent." The Examiner stated that, if the language was changed to recite "adjacent to said front surface," this would overcome the rejections of record. This amendment has now been implemented.

The Applicant thanks the Examiner for making herself available for this interview, and for her helpful clarifications, particularly in view of the recent transfer of handling of this file.

§ 102(e) Rejections

The Examiner has rejected claims 13-17 under § 102(e) as being anticipated by Eicher et al (US 6,132,755). The Examiner's rejections are respectfully traversed.

While continuing to traverse the Examiner's rejections, the Applicant has, in order to expedite the prosecution, chosen to amend independent claims 13 and 14 as discussed above in the interview summary to clarify the intended meaning of the term proximal. Specifically, the work "proximal" in independent claims 13 and 14 has now been replaced by the term "adjacent", thereby precluding any unintended reading of the definition. The geometrical definitions of these claims now clearly define different aspects of asymmetry possessed by certain embodiments of the present invention, such as those of Figures 4 and 9, in the region of the microneedles adjacent to the front surface of the substrate, thereby clearly distinguishing over the symmetrical cylindrical trunk portion of Figure 6d of Eicher

The applicant has also taken this opportunity to amend independent claim 13 to specify that the fluid flow channel is an enclosed channel, thereby further clarifying the distinction between the recited device and that of Figure 6b of Eicher.

Support for these amendments can be found in the specification. Specifically, support for the enclosed nature of the fluid flow channel can be found throughout the specification, such as in Figures 4 and 9.

The Applicant believes that the amendment of the claims completely overcomes the Examiner's rejections on § 102(e).

In view of the above amendments and remarks it is respectfully submitted that independent claims 13 and 14, and hence also dependent claims 15-17, are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

Mark M. Friedman
Attorney for Applicant
Registration No 33,883

Date: March 12, 2007